

**PROCEEDINGS OF THE BROWN COUNTY
EDUCATION & RECREATION COMMITTEE**

Pursuant to Section 19.84 Wis. Stats., a regular meeting of the **Brown County Education & Recreation Committee** was held on Thursday, January 8, 2015 in Room 200, Northern Building, 305 E. Walnut Street, Green Bay, Wisconsin.

Present: Chair Van Dyck, Supervisor Katers, Supervisor Campbell, Supervisor Gruszynski
Also Present: Neil Anderson, Matt Kriese, Lori Denault, Dr. Christopher Wagner, Beth Lemke, Scott Anthes

I. Call to Order.

The meeting was called to order by Chair Van Dyck at 5:30 p.m.

II. Approve/Modify Agenda.

Motion made by Supervisor Gruszynski, seconded by Supervisor Katers to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

III. Election of Vice Chair

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to nominate Corrie Campbell as Vice Chairman of the Education and Recreation Committee.

Nominations closed.

Corrie Campbell elected as Vice-Chairman of the Education and Recreation Committee by unanimous ballot.

IV. Approve/modify minutes of

Motion made by Supervisor Katers, seconded by Supervisor Campbell to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

Comments from the Public. None

Communications

1. Review Minutes of:

a. Library Board (October 16, 2014).

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

b. Neville Public Museum Governing Board (November 10, 2014 & December 8, 2014).

Motion made by Supervisor Campbell, seconded by Supervisor Katers to approve. Vote taken.
MOTION CARRIED UNANIMOUSLY

*1c. Communication from Supervisor Landwehr re: To have citation funds written by Parks Department staff, on Parks Department maintained trails, remain within the Parks Department budget. *December motion: To refer to staff to continue to evaluate and come back with a proposal.*

Assistant Park Director Matt Kriese informed that he communicated with Corporation Counsel, and Dane County as their system seemed to work out fairly well. He provided a handout (attached) re: Brown County Parks – Citations for Trail Pass Violations and suggested that the committee reviewing it over the next 30 days. He believed they shouldn't run into legal issues if they were to adopt something similar to Dane County. A second handout was provided (attached) re: Recommendation for Parks Violation Notice & Citations in which Kriese went over with the committee. He added that this would essentially be a system in place to make sure that their users were being compliant without issuing the \$200 ordinance citation off the bat. He felt it was important not to lay a heavy hand on park users but taking a lax approach was not appropriate either. They needed to find a happy middle ground and be educational about it. \$35 was cheaper than most annual passes right now. If someone would wish to appeal that, they would have to go to Kriese and Anderson and plead their case and they could make a determination with internal policies or they could purchase an annual pass.

As stated on the handout Kriese informed that Corporation Counsel was looking for some direction, as well as himself, on how to proceed. There would need to be some ordinance changes and resolutions that needed to go through. If they took it to the step where they would issue a citation, right now under Chapter 1, it stated that law enforcement officers could issue citations and the funds would go to the Sheriff's Department. Park staff could write citations under their code of ordinances but those funds too would go to the Sheriff's Department. In making a change, the park could issue citations and that given amount would stay within the Park Department and then there would be other funds that would cover bail and bond or whatever else was attached to those types of things. If someone wished to appeal that citation than Corporation Counsel would handle that in court for their department. Responding to Katers, Kriese informed that enforcement would be handled by their rangers, as they were very comfortable with the enforcement role and being in the public eye. There would be incident reports similar to what a Sheriff's deputy would write, as a record, which is what they did for most things right now. When it came down to citations, there would be a little more work involved but Kriese hoped that their compliance would be gained through a violation notice and they wouldn't have to go to the citation route. He hoped that after the first couple of years, once the word got out and the compliance was there, citations would slowly diminish.

What they had been doing on the Fox River Trail, there was a half slip of paper that stated they were stopped on the Fox River Trail and they had three working days to pay their \$20 annual pass. They don't see any follow-up, people weren't paying the \$20 and disregarding it. At this point it was putting a policy in place behind their mouths. With the changes, if they don't pay the violation notice, it will go to citation.

Gruszynski questioned why they wouldn't just make it so violators had to purchase their annual pass, that way they didn't have to worry about that user for another year. Kriese stated that they could do that with their pass related issues; however he was looking for consistency with other violations such as littering, loud noise, after hours in parks, etc. but that was another approach to take, look at each fee structure.

Kriese informed that when giving a three day to purchase your annual pass, people risked it and waited to purchase the pass until they got stopped. This way, it was somewhat of a little bit of a punishment with a fee attached.

Katers informed that he was fully in favor of this, even if they gave it a try for a year to see how things went and how the park staff was able to manage it and handle things.

Kriese informed that as far as payments and things, they were ultimately looking at an upgraded Point of Sales System, things would be able to be done online such as payment of citations. Staff

time would be very minimal there. They were looking at a \$16,000-\$18,000 budget adjustment this year yet using special revenues and other accounts to bring it together. There were a lot of other options with the system like paying trail passes on smartphones, paper was gone, it would reduce hours of seasonal staff counting thousands of dollars in cash, keeping staff in the field. Their secretary could focus on marketing, etc. rather than constantly being on the phone.

Motion made by Supervisor Gruszynski, seconded by Supervisor Katers to hold for 30 days. Vote taken. MOTION CARRIED UNANIMOUSLY

Library

2. Budget Status Financial Report for November, 2014.

Revenues: Intergovernmental revenue was under budget due to non-payment by one county for their patron use of Brown County libraries. Charges for sales and services were also under budget due to decline in fines and fees revenue being generated. Parking lot revenue was down due to new meter installation cost offset against revenue. Expenses: Annualized Technology Services chargebacks were currently significantly less than budget. Salaries were projected to come in under budget due to the Director and a Library Supervisor position being held open thru the end of the year. Fringe benefits appear to be considerably less than budget. The contract for their data lines were renegotiated and resulted in significant increases. Gas was over but electric was under.

Katers questioned if they had any updates on the non-payment from the one county for their patron use of Brown County libraries. Lori Denault stated that they chose not to accept the offer the Library Board had come up with, she believed a lawsuit was being pursued as they had chosen not to make payment.

Motion made by Supervisor Campbell, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

3. Library Report.

Denault referred to the written report in the agenda packet. Dr. Christopher Wagner was present to speak on behalf of the Library Board, he informed that they had been without an Executive Director for the last few months, they hired a consultant to search for applicants and they had approximately 20 decent applicants come through the process. Of those, it had been whittled down to three. One was from Wisconsin, two from Michigan. The committee should have received an invitation to open sessions with the candidates coming in next week.

Wagner informed that the Nicolet Federated Library Board had been renting out part of the third floor of the Brown County Library and this last year the board directed the Director of the NFLB to look at other options for space. There was a recommendation and an approval for them to move out of the Brown County Library to office complex on Allouez Avenue. The library had budgeted for 2015 a rental amount of \$72,136; it will be a significant impact on the library's budget once they are officially moved out unless they find someone else to fill that space. They were renting out approximately 4,500 sq. ft. of the 11,000 that was available. Wagner added that not only was parking an issue but a concern with safety as people have wandered up to the third floor that shouldn't have been there as well as an incident that happened recently where an employee who gets to work early, a gentleman was screaming obscenities at her and came running towards her, she got back in her car and locked it. He'd like to think that in terms of safety and concerns, things have improved but it was still a concern.

**Motion made by Supervisor Katers, seconded by Supervisor Campbell to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

Museum

4. Museum Budget by Classification October, 2014.

**Motion made by Supervisor Katers, seconded by Supervisor Campbell to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

5. Budget Status Report for November, 2014.

Public charges included gate, photo sales, and vending and room rental. 2014 estimate \$127,150. Other Financing: Intrafund transfer for Master Planning. \$50,000 to carry over to FY15. Miscellaneous Revenue: Included NPMF funds for exhibits and programs. 2014 Estimate \$175,500. Operating expenses were over in (5300) Supplies due to exhibit light bulb purchases, (5501) Gas, Oil, etc. due to harsh winter and the delayed replacement of new boiler from 10/13 to 9/14, (5700) Contracted Services due to cost of additional security camera for parking lot.

**Motion made by Supervisor Katers, seconded by Supervisor Campbell to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

6. Director's Report.

Museum Director Beth Lemke informed that this November was the best financially in five years and December was the best financially in four years at the Neville which was outstanding news. Lots of centennial program events imbedded into that exhibit information.

The Curator and Technician Positions were closing next Tuesday. They had over 200 applicants for the Curator and nearly 100 for the Technician. The focus had been on the Curator as it was posted first. They had to rewrite questions for both sets; she worked with HR on that. They have Curator interviews scheduled for January 21-23, 2015 and the Technician interviews on February 5-6, 2015. They were trying to build in with the Curator interviews, a 20-minute collections tour so they could understand the whole picture they were trying to do there.

As a follow-up from last month with regard to Admissions, Lemke provided a handout (attached) re: Museum Admission Fee and informed that she had put some numbers together on recommendations for admission. The motion was looking at temporary traveling exhibits in conjunction with looking at possible resident and non-resident. What she would like to propose was that they look at something even, consistent, put them into relation with their exhibiting cultural entities in the region and if they looked at the last three years they were skewing very high adult percentage. She'd like them to consider looking at the adult admission fee and not the youth admission fee and take into consideration increasing that during their centennial. Admission fees that were started in 2005 had not been changed since 2005. After a brief discussion regarding group fees, Van Dyck suggested going back to look at those fees as well as senior and military discounts. Lemke informed that she would pull the numbers for next month. Katers questioned if Lemke felt they would discourage people from coming back if they increased prices, Lemke didn't think so. It was about promoting themselves and the advantage of a one-time vs multiple visits.

Katers felt that with the Hall of Fame exhibit it was the perfect time to increase the prices and it

made perfect sense for the adults and to leave the youth as is. He questioned if they had any ongoing discussions with the Packers as far as keeping the Hall of Fame. Lemke responded, yes, they met today at Lambeau.

**Van Dyck suggested putting this on the February agenda as a line item for discussion.*

Lemke informed that they had large group meeting on Tuesday, two and a half hours long and very productive with regard to key audiences analysis and key messaging. All representation from all three boards was in the same room and they were all on the same page. They debated and came up with four key audiences and from that they worked on some key phrasing of which was not determined yet. They plan to come back and will have a one page talking points and media training that they will be going through. They were looking at the word combinations of connecting, generations and communities. They had a lengthy debate on bridging so one option was, "Bridging Communities and Connecting Generations". The top vote was, "Connecting Communities and Generations" or "Connecting Communities, Connecting Generations". Lemke added that she was waiting for this key phrasing and key messaging for the centennial marketing plan so now she was meeting with different vendors to put into place some key pieces for their marketing initiative for the centennial. They held off because they needed the fiscal year funding but they needed to make sure they had the right message to the right audience.

Lemke stated that the next phase was looking at the visitor experience and the architectural elements of the current museum and looking at all of their existing square footage that they had as exhibit space and looking at creative ways of what they could potentially do different. She thanked Supervisor Katers, with his architectural background; she had him look at a draft of the RFP to make sure she was going in the right direction. She needed to add some elements to it and progress with Purchasing so they can start the next phase.

Van Dyck suggested for future reports, could they calculate a fixed cost to open the doors of the museum. Lemke felt they needed to look at this, to figure what days to target for school groups or room rentals to drive that traffic in at different points and times. Campbell agreed, there were so many things they could control but they couldn't always count on people coming in the door. They could count on having a paid person on staff to get those groups in there and in regularly and run it like a business. It was their easiest shot on getting a consistent income in the museum.

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

NEW Zoo & Park Management

7. Park Management Budget Status Financial Report for November, 2014.

Utility charges were higher due to bitter winter. Public Charges were above projections.

Motion made by Supervisor Campbell, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

8. Field Staff Reports / Attendance Reports.

Kriese briefly highlighted items from the Field Staff Reports / Attendance Reports located in the agenda packet.

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

9. Assistant Park Director's Report.

With regard to the Suamico parking spaces at the boat landing, Kriese informed that a meeting set up in a couple weeks with the Ed & Rec Chairman, the Executive, the Village of Suamico and himself. Since the county owned several acres to the west of their existing boat landing, it was roughly \$75,000 to gain 15 spots or so and the committee and board chose not to proceed. Since then they stuck roughly \$5,000 in to improve the lot to efficiently park vehicles, they should be able to fit about 35 to 40 truck and trailers. The Village of Suamico spent money to put gravel on a dyke to get users off the road. In 2015 budget the county was partnering with the DNR 50/50 split to put a bridge across the ditch to access the boat landing and to make it as safe as possible.

Motion made by Supervisor Gruszynski, seconded by Supervisor Campbell to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

10. NEW Zoo Budget Status Financial Report for November, 2014.

Expenses: Utility cost increased due to cold weather. Operations & Maintenance increased early in the year due to several water line breaks and equipment repairs early in 2014. Cost of Sales were up slightly from 2013 YTD. Revenues: Public charges and zoo passes were significantly up from 2013. July and August weather attribute to increases in attendance for both months. Great weather for Zoo Boo.

Motion made by Supervisor Katers, seconded by Supervisor Campbell to receive and place on file. Vote taken. MOTION CARRIED UNANIMOUSLY

11. NEW Zoo Monthly Activity Report:

- a. **Operations Report:**
 - i. **Admissions, Revenue, Attendance Report.**
 - ii. **Gift Shop, Mayan Zoo Pass Revenue Report.**
- b. **Curator Report.**
- c. **Education & Volunteer Report.**
- d. **Maintenance Report.**

Zoo Director Neil Anderson provided additional handouts (attached) and briefly went over the them with the committee.

Motion made by Supervisor Van Dyck, seconded by Supervisor Katers to take Items 11a-d together. Vote taken. MOTION CARRIED UNANIMOUSLY

Motion made by Supervisor Van Dyck, seconded by Supervisor Campbell to receive and place on file Items 11a-d. Vote taken. MOTION CARRIED UNANIMOUSLY

12. Zoo Director Report.

**Motion made by Supervisor Gruszynski, seconded by Supervisor Katers to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

Golf Course

13. Budget Status Report for November, 2014.

The golf course is a seasonal operation that ran from April to November. At the present time all Revenues and Expenses were well within budgeted amounts. Golf Course opened April 21st and was using temporary greens through May 15th. Discounted greens fees were in place for that time period.

**Motion made by Supervisor Campbell, seconded by Supervisor Katers to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

14. Update with possible action regarding Oneida Tribe Golf Course Easement.

**Motion made by Supervisor Campbell, seconded by Supervisor Katers to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

15. Update with possible action regarding Oneida Tribe 70 acres Easement.

**Motion made by Supervisor Campbell, seconded by Supervisor Katers to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

16. Superintendent's Report.

**Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

17. Resch Centre/Arena/Shopko Hall - Complex Attendance for the Brown County Veterans Memorial Complex for November and December, 2014.

**Motion made by Supervisor Katers, seconded by Supervisor Campbell to receive and place on file.
Vote taken. MOTION CARRIED UNANIMOUSLY**

Closed Sessions

18. Open Session: Discussion with legal counsel and possible action regarding the negotiations, status and implementation of future planning in obtaining an easement at the Golf Course property.

**Motion made by Supervisor Gruszynski, seconded by Supervisor Campbell to enter into closed session. Vote taken. MOTION CARRIED UNANIMOUSLY
Roll call: Gruszynski, Van Dyck, Campbell, Katers.**

19. Closed Session: Notice is hereby given that the above governmental body will adjourn into closed session on the above item Numbers 14 & 15 pursuant to Wis. Stat. §19.85(1)(e) which authorizes a closed session to deliberate or negotiate the purchasing of public properties, the investing of public funds, or conducting other specified public business, wherever competitive or bargaining reasons require a closed session, and pursuant to Wis. Stat. §19.85 (1)(g) conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

20. **Reconvene in Open session: Discussion with legal counsel and possible action regarding the negotiations, status and implementation of future planning in obtaining an easement at the Golf Course property.**

Motion made by Supervisor Katers, seconded by Supervisor Campbell to return to regular order of business. Vote taken. MOTION CARRIED UNANIMOUSLY

Roll call: Gruszynski, Van Dyck, Campbell, Katers.

Other

21. **Audit of bills.**

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to pay the bills. Vote taken. MOTION CARRIED UNANIMOUSLY

22. **Such other matters as authorized by law.**

23. **Adjourn.**

Motion made by Supervisor Katers, seconded by Supervisor Gruszynski to adjourn at 7:26 p.m. Vote taken. MOTION CARRIED UNANIMOUSLY

Respectfully submitted,

Alicia A. Loehlein
Recording Secretary

BROWN COUNTY PARKS – CITATIONS FOR TRAIL PASS VIOLATIONS

Per the Brown County Parks (“Parks”) current “User Instructions for Non-payment of Fees,” which is provided to individuals stopped on one of the Parks’ trails without a valid pass, it states, in pertinent part, that:

You have been stopped on the trail without a valid annual or daily pass . . . You need to complete the following action within three working days . . . Failure to complete the above . . . may result in the issuance of a citation per Brown County Code Chapter 8.03(5).

Although it does not expressly speak to the use of citations or the process thereunder, Chapter 8 of the Brown County Code of Ordinances (“County Code”) does address the issue of Parks violations as follows:

- Section 8.01 provides that the “purpose of [Chapter 8] is to regulate the use of the facilities and property under the jurisdiction of the Education and Recreation Committee. The term ‘park’ as used in this chapter shall include all county parks, county boat ramps, fairgrounds, golf courses, and other such facilities and property under the jurisdiction of the Brown County Education and Recreation Committee”;
- Section 8.03 provides, in relevant part, that “[n]o person or group using a park shall perform or permit others under their custody or control to perform any of the following acts . . . (5) Violate any duly established rule for the use of the park”;
- Section 8.22 provides that the “Education and Recreation Committee is authorized to adopt additional rules and regulations as may be necessary for the management of parks and the uses thereof and may implement and enforce the same”; and
- Section 8.24 provides that “[a]ny person violating this chapter shall be subject to the penalty provided for violation of this code.” Per Chapter 1 of the County Code, the term “code” refers to the County Code.

As authorized by Section 8.22, above, the Brown County Education and Recreation Committee (“Committee”) adopted a rule that requires individuals utilizing any of the Parks’ trails to possess a valid pass. This rule certainly falls within the purpose of Chapter 8, stated in Section 8.01 thereof, which is to regulate the use of the facilities and property under its jurisdiction, Parks being one of said facilities/properties. Thus, as set forth in Section 8.03 and 8.24, respectively, any person who violates such duly established rule by being caught on one of the trails without a valid pass can be subject to the penalty provided for violations of the County Code.

Because Chapter 8 does not expressly provide otherwise, Chapter 1 governs the manner in which individuals may be subject to penalties for violations of Chapter 8 rules and regulations. Per Section 1.06 of County Code, Chapter 1, “[e]very person concerned in the commission of an act prohibited by this code . . . may be prosecuted.” And, according to Section 1.07 thereof, “[u]nless another penalty is

expressly provided by this code,” upon conviction, such person shall, for each violation, along with the costs of said prosecution, “be subject to a forfeiture of not less than \$1 or more than \$300.” If the person fails to pay the aforementioned, he or she “shall be imprisoned in the county jail until such forfeiture and costs of prosecution are paid, such imprisonment not to exceed 90 days.”

In light of the above, I was asked to research whether and to what extent the issuance of citations, as well as the prosecution to recover the forfeitures/costs attached thereto, for violations of Chapter 8; specifically, with regard to violations of the trail pass rule, could be handled by Parks, in-house, so as to eliminate the need to pay for the services of, among other County Departments, the Sheriff’s Department and/or the Clerk of Courts. Indeed, Section 8.22 vests the Committee with authority to “implement and enforce” the rules and regulations it adopts under Chapter 8 of the County Code. Given that the aforementioned penalty provisions of County Code, Chapter 1, do not apply when another penalty is expressly provided for elsewhere therein, the Committee could very well implement its own penalty provision for Chapter 8 violations that would trump the default provisions of Chapter One.

However, the manner in which the Committee enforces such provision, especially if, as stated in the current “User Instructions for Non-payment of Fees”, includes the issuance of citations, an activity typically governed by state statute, may not be within the Committee’s discretion. See Dane County v. Wisconsin Dept. of Health and Social Services, 255 N.W.2d 539, 79 Wis. 2d 323 (1977)(“Counties are creatures of the legislature and their powers must be exercised within the scope of authority ceded to them by the state.”) As such, I looked to the Wisconsin Statutes, as interpreted by Wisconsin case law, for guidance and found the following to be responsive:

Per Wis. Stat., § 59.54(6), “[t]he board may enact and enforce ordinances to preserve the public peace and good order within the county including, but not limited by enumeration, ordinances prohibiting conduct that is the same as or similar to conduct that is prohibited by ss. 947.01(1) and 947.02, and provide a forfeiture for a violation of the ordinances.”

In addition, Wis. Stat., § 66.0113 provides, in relevant part that:

the governing body of a county . . . may by ordinance adopt and authorize the use of a citation under this section to be issued for violations of ordinances, including ordinances for which a statutory counterpart exists.

Any ordinance adopted in accordance therewith must prescribe the form of the citation, which shall incorporate therein the specific verbiage set forth within Subsection (b) of § 66.0113, said verbiage to include, among other information, the following:

- The time in which the alleged violator may appear in court;
- That, the alleged violator may make a cash deposit of a specified amount to be mailed to a specific official within a specific time;

- That, if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned;
- That, if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, not to exceed the amount of the deposit or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
- That, if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under sub. (3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814;

In addition to the verbiage requirements set forth above and in their entirety under § 66.0113, said ordinance must also contain a "schedule of cash deposits that are to be required for the various ordinance violations, plus costs, fees, and surcharges imposed under ch. 814, for which a citation may be issued." Further, the ordinance must "specify the court, clerk of court, or other official to whom cash deposits are to be made and shall require that receipts be given for cash deposits."

Of significance, § 66.0113(2)(a) authorizes "the governing body of a county . . . [to] designate by ordinance or resolution other county . . . officials who may issue citations with respect to ordinances which are directly related to the official responsibilities of the officials." Those officials granted authority to issue citations by the governing body may then "delegate, with the approval of the governing body, authority to employees" to issue the same.

As confirmed by Paragraph (b) of § 66.0113(2), the "issuance of a citation by a person authorized to do so under par (a) shall be deemed adequate process to give the appropriate court jurisdiction over the subject matter of the offense for the purpose of receiving cash deposits . . . [and] does not [constitute a violation of] s. 946.68."¹ Further, if the alleged violator appears in court in response to a citation, Paragraph (b) of § 66.0113(2) deems the citation sufficient to "be used as the initial pleading, unless the court directs that a formal complaint be made, and the appearance confers personal jurisdiction over the person." § 66.0113(3)(b). And, if the alleged violator makes a cash deposit, but fails to appear in court, Paragraph (b) of § 66.0113(2) deems the citation sufficient to "serve as the initial pleading" so that the "violator shall be considered to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, not exceeding the amount of the

¹ According to Wis. Stat., § 946.68, it is a crime to simulate a legal process by sending a subpoena, summons, complaint, warrant, injunction, writ, notice, pleading, order or other document that directs a person to perform or refrain from performing a specified act and compliance with which is enforceable by a court or governmental agency, without the requisite authority.

deposit.”

If, as alluded to above, the court does not accept a plea of no contest under the aforementioned scenarios, including a scenario where the alleged violator makes no cash deposit and fails to appear in court, § 66.0113(3) authorizes the official, approved by its governing body for the issuance of citations hereunder, to commence an action under Wis. Stat., § 778.10 for collection of the forfeiture, plus, costs, fees, and surcharges and to use the citation as the complaint in said action.

Per Wis. Stat., § 778.10, “[a]ll forfeitures imposed by any ordinance or regulation of any county . . . may be sued for and recovered, under this chapter, in the name of the county” For purposes of commencing said suit, “[i]t is sufficient to allege in the complaint that the defendant is indebted to the plaintiff in the amount of the forfeiture claimed, specifying the ordinance or regulation that imposes it, plus costs, fees, and surcharges imposed under chapter 814.”

Given the above, it is my preliminary opinion that the Brown County Board of Supervisors has the authority under Wis. Stat., § 66.0113 to authorize, through adoption of an ordinance, the use of citations for violations of the Parks’ trail pass requirements. It is further my opinion that the Brown County Board of Supervisors has the authority to assign the duty of issuing those citations to Parks officials, as opposed to law enforcement personnel who would otherwise be assigned said duty. As summarized above, the issuance of a citation hereunder would not only give the Court jurisdiction over the alleged violator, but allow the issuer to use said citation as the instrument for purposes of commencing a civil suit under § 778.10 for collection of any judgments entered thereon.

Although Wis. Stat., § 778.10 may be used in conjunction with the issuance of a citation under § 66.0113, it may also be used independently thereof. Although a Resolution, or perhaps a less involved revision to the Chapter 8 Ordinance, to this affect would still be advisable, if not necessary, the requirements of § 66.0113 could be disposed of if the County decided to forego the citation process and simply use the process under § 778.10 to collect upon forfeitures imposed either by Chapter 1 of the County Code or by a newly adopted penalty provision under Chapter 8 thereof.

As an alternative to the issuance of citations or the commencement of collection actions, with the exception of marriage licenses, fishing licenses and dog licenses, Wis. Stat., § 66.0115 allows the county to “refuse to issue any license or permit to a person who has not paid an overdue forfeiture resulting from a violation of [its] ordinance. In addition, it allows “[a]ny municipality, by written agreement . . . [to] refuse to issue any license or permit to a person who has not paid an overdue forfeiture resulting from a violation of an ordinance of any municipality which is a party to the agreement.” Although contingent upon an alleged violator applying for some license or permit, this method may be the least time consuming and costly as it would simply occur as a matter of course when said contingency is met. In addition, it would likely require the least amount of red tape as the process could likely be authorized by way of a Resolution.

With regard to the monies collected, regardless of method utilized therefor, per Wis. Stat., § 778.105, “revenues from forfeitures imposed by any court or any branch thereof for the violation of any municipal or county ordinance shall be paid to the municipality or county, [while] [c]osts, fees, and

surcharges imposed under ch. 814 shall be paid as required by that chapter.” Per Wis. Stat., § 814.04 of Chapter 814, when allowed, costs shall be as follows:

All the necessary disbursements and fees allowed by law . . . a reasonable disbursement for the service of process or other papers in an action when the same are served by a person authorized by law other than an officer, but the item may not exceed the authorized sheriff's fee for the same service; amounts actually paid out for certified and other copies of papers and records in any public office; postage, photocopying, telephoning, electronic communications, facsimile transmissions, and express or overnight delivery; depositions including copies; plats and photographs, not exceeding \$100 for each item

In addition, under Wis. Stat., § 778.195, fees in forfeiture actions under Chapter 778 shall be prescribed as set forth in Wis. Stat., § 814.63, which provides, in pertinent part, that “[i]n forfeiture actions in which a county . . . prevails, costs and disbursements shall be allowed to the county . . . subject only to sub. (2) and such other limitation as the court may direct.” Subsection (2) thereof subjects the county to a nonrefundable fee of \$5 payable to the clerk of circuit court.

As shown, irrespective of process, the manner in which some fees are paid out will be dependent upon the State Statute triggered by said process, including Wis. Stats., §§ 814.04 and 814.63. In addition, per Wis. Stat., § 59.52, it is the duty of the County Treasurer to “[r]eceive all moneys from all sources belonging to the county, and all other moneys which by statute or county ordinance are directed to be paid to the treasurer. Further, the County Treasurer’s duty requires that he or she “pay out all monies belonging to the county only on the order of the Board, signed by the clerk and countersigned by the chairperson, except when special provision for the payment thereof is otherwise made by law Thus, although it appears possible to keep the issuance, collection and recovery of Chapter 8 violations mainly in-house, there will be some logistical issues regarding whether the money must first be paid out to the County Treasurer and then, upon directive of the County Board, paid to Parks, or whether a Resolution/ Ordinance can dictate this process as well.

PARK MANAGEMENT

Brown County

1150 BELLEVUE STREET, RM 151
GREEN BAY, WI 54302

PHONE (920) 448-4464 FAX (920) 448-4054

E-MAIL KRIESE_MM@CO.BROWN.WI.US



MATTHEW M. KRIESE

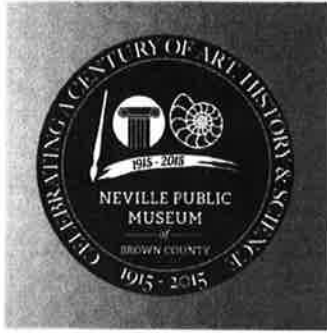
ASSISTANT PARK DIRECTOR

RECOMMENDATION FOR PARKS VIOLATION NOTICE & CITATIONS

- 1- User is stopped by park ranger/manager while utilizing the park
- 2- User has not purchased pass, littered, not picking up dog waste, using a closed trail, after hours, etc.
- 3- Staff issue the violator a Violation Notice –
 - a. This notice is not a citation or ticket, but rather a notice of non-compliance to an official park rule/regulation. Possible in amount of \$35
 - b. The user would have a given number of days to pay the park department this violation notice fee
- 4- If after the given timeframe (30 days) the violator has not paid or issued a notice to appeal the violation notice park officials would issue an ordinance citation
- 5- This ordinance citation would be through the County Code of Ordinances and brought through the court system

Committee and Board will need to let the department know on how to proceed. Working with Corporation Counsel we will draft a resolution and/or changes to the Chapter 8 Code of Ordinance as they relate to this matter.





1/8/15

To: Education and Recreation
From: Beth Lemke
RE: Museum Admission Fee

Current general admission fee

\$5.00 per adult

\$3.00 per youth ages 6-15

Children under 5 free

Military active and veteran free

Military spouse half price

Military child half price

Trends

2012 79% of attendance adult aged, 14% youth 6-15, 7% school group

2013 74% of attendance adult aged, 14.5 % youth 6-15, 11.5% school group

2014 83% of attendance adult aged, 10 % youth 6-15, 7% school group

Recommendation

The current fee structure has not changed since 2005. To be in alignment with regional institutions and better support the museums centennial year I am recommending for consideration an increase of the adult rate to \$7 per adult.



NEW Zoo Operations Report: December 2014

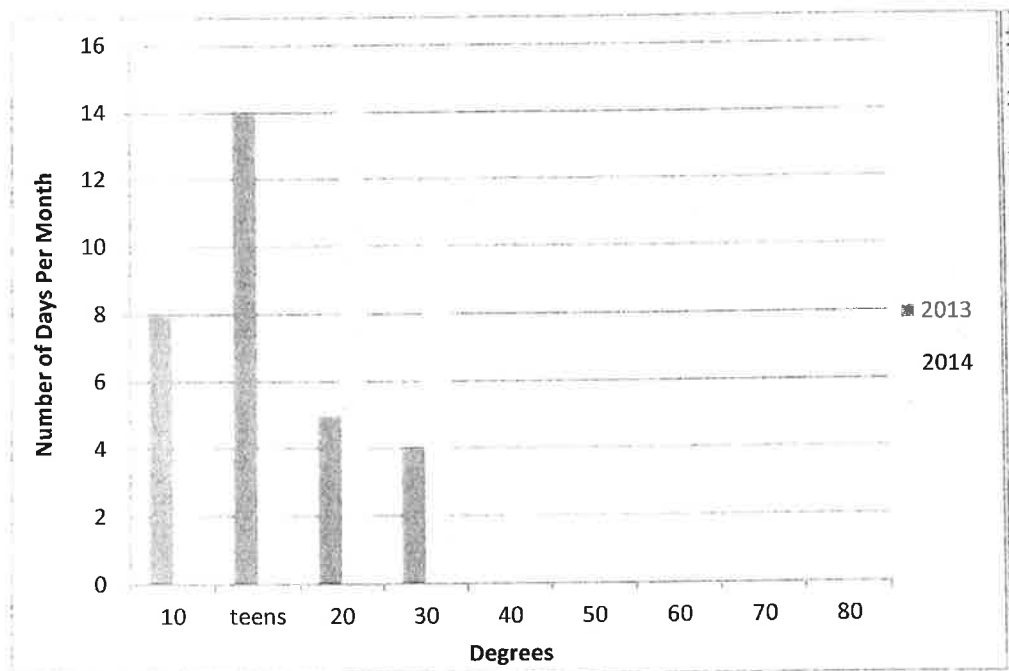
Noteworthy:

Average Temperature recorded at the zoo in {December 2014} = 27°F

3 in the single digits, 2 in the 10's, 14 in the 20's, 10 in the 30's and 2 in the 40's

Average Temperature recorded at the zoo in {December 2013} = 15°F

8 in the single digits, 14 in the 10's, 5 in the 20's, 4 in the 30's and none in the 40's



Lowest temperature for period in Dec. 2014: 0°F Highest Temp: 43 °F

Lowest temperature for period in Dec. 2013: -4°F Highest Temp: 36 °F

December

- More than 1777 visited the Zoo in December. That is 966 more than last December (811 visitors).
- Zoo passes sales for December 2014 were of \$16,351: \$5,820 more than December of 2013 (\$10,531).
- It was substantially warmer than last December with an average temp of 27 in 2014. Average temp in December 2013 was 15.
- We had more than double the sales in the Gift Shop and more than double the sales in the Mayan compared to last December
- Holiday Fest this year saw temps of 33 and 35, last year it was only 11 & 19.
- We also partnered with WEMI/WEMY as a radio sponsor this year to try to increase Holiday Fest attendance over last year. The good weather coupled with the partnership brought in many more visitors during Holiday Fest.
- Holiday Fest Admissions: 2013 = \$644/2014 = \$1950.

- Holiday Fest Gift Shop Sales: 2013 = \$358/2014 = \$996
- Holiday Fest Mayan Sales: 2013 = \$198/2014 = \$957
- We also held a BLOW OUT SALE in the Gift Shop during the last 10 days of the year. December 2013 sales were (during those last 10 days) \$274, compared to \$1087 during the last 10 days of 2014. We were and still are extremely overstocked in numerous overpriced articles of clothing, so I thought it would be prudent to lower inventory levels on overstocked items to make room for a wider variety of different and less expensive items.
- We ended the year with 241, 726 attendees compared to 218, 973 in 2013.
- Per caps 2014 admissions: \$4.43 (\$4.28 budget)/\$3.79 per cap 2013.
- Per caps 2014 Gift Shop: \$ 0.91 (\$1. budget)/\$1.05 per cap 2013.
- Per caps 2014 Mayan: \$1.20 (\$1.08 budget)/\$1.16 per cap 2013.
- \$151,427 Zoo Pass sales in 2014 compared to \$126,310 in 2013. An increase of \$25,117 over last year.

**NEW ZOO
ADMISSIONS REVENUE ATTENDANCE
2014 REPORT
2012, 2013, 2014**

ATTENDANCE

MONTH	2012	2013	2014
January	1,478	999	442
February	2,705	861	537
March	16,576	5,989	4,910
April	27,117	10,499	13,425
May	37,257	37,075	40,506
June	38,457	43,835	43,858
July	31,800	38,029	48,534
August	39,342	41,427	46,458
September	17,907	18,024	16,459
October	25,959	19,672	23,299
November	2,604	1,752	1,521
December	1,245	811	1,777
TOTAL	242,447	218,973	241,726

ADMISSION & DONATIONS

MONTH	2012		2013		2014		2012		2013		2014	
	ADMISSIONS	DONATION BIN	ADMISSIONS	DONATION BIN	ADMISSIONS	DONATION BIN	(-)/(+)	CAP	PER	CAP	PER	CAP
January	2,544.25	499.00	1,520.87	53.76	896.00	127.62	(624.87)	\$1.72	\$1.52	\$1.72	\$2.03	\$1.52
February	4,438.00	227.35	1,517.10	-	1,112.00	3.00	(405.10)	\$1.64	\$1.76	\$1.64	\$2.07	\$1.76
March	57,832.00	5.00	16,111.68	89.46	16,242.50	30.36	130.82	\$3.49	\$2.69	\$3.49	\$3.31	\$2.69
April	70,708.04	1,063.92	40,458.27	106.03	41,931.50	-	1,473.23	\$2.61	\$3.85	\$2.61	\$3.12	\$3.85
May	139,311.23	479.48	135,610.19	259.08	181,412.00	615.29	45,801.81	\$3.74	\$3.66	\$3.74	\$4.48	\$3.66
June	155,736.01	479.34	167,307.94	847.96	201,002.10	510.02	33,694.16	\$4.05	\$3.82	\$4.05	\$4.58	\$3.82
July	134,766.05	912.97	155,324.26	408.00	232,705.50	948.94	77,381.24	\$4.24	\$4.08	\$4.24	\$4.79	\$4.08
August	160,778.75	474.79	164,161.23	680.83	210,093.00	1,572.95	45,931.77	\$4.09	\$3.96	\$4.09	\$4.52	\$3.96
September	71,549.06	1,280.76	67,574.00	-	71,385.50	-	381.50	\$4.00	\$3.75	\$4.00	\$4.34	\$3.75
October	68,375.30	1,463.47	70,718.00	519.88	101,361.50	799.73	30643.50	\$2.63	\$3.59	\$2.63	\$4.35	\$3.59
November	7,498.02	288.06	6,580.00	-	6,484.50	177.86	(95.50)	\$2.88	\$3.76	\$2.88	\$4.26	\$3.76
December	4,052.72	25.00	2,680.81	10.00	5,776.00	-	3095.19	\$3.26	\$3.31	\$3.26	\$3.25	\$3.31
TOTAL	\$877,589.43	\$7,199.14	\$829,564.35	\$2,975.00	\$1,070,402.10	\$4,785.77	240837.75	\$3.62	\$3.79	\$3.62	\$4.43	\$3.79

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**NEW ZOO
GIFT SHOP, MAYAN
ZOO PASS REVENUE**

2014 REPORT 2012, 2013, 2014					2012	2013	2014
					PER	PER	PER
Paws & Claws					CAP	CAP	CAP
Gift Shop	2012	2013	2014	(-)/(+)			
January	\$ 1,039.73	\$ 1,055.77	\$ 557.40	\$ (498.37)	\$0.70	\$1.06	\$1.26
February	\$ 2,590.76	\$ 1,251.19	\$ 669.96	\$ (581.23)	\$0.96	\$1.45	\$1.25
March	\$ 17,393.87	\$ 6,410.95	\$ 4,715.11	\$ (1,695.84)	\$1.05	\$1.07	\$0.96
April	\$ 25,425.46	\$ 13,203.95	\$ 10,948.35	\$ (2,255.60)	\$0.94	\$1.26	\$0.82
May	\$ 40,899.61	\$ 39,997.32	\$ 37,175.92	\$ (2,821.40)	\$1.10	\$1.08	\$0.92
June	\$ 42,680.43	\$ 47,174.03	\$ 44,177.86	\$ (2,996.17)	\$1.11	\$1.08	\$1.01
July	\$ 42,478.70	\$ 45,434.44	\$ 50,198.70	\$ 4,764.26	\$1.34	\$1.19	\$1.03
August	\$ 40,950.79	\$ 44,070.13	\$ 45,949.76	\$ 1,879.63	\$1.04	\$1.06	\$0.99
September	\$ 16,563.22	\$ 16,987.95	\$ 11,962.04	\$ (5,025.91)	\$0.92	\$0.94	\$0.73
October	\$ 11,876.10	\$ 11,447.06	\$ 8,872.02	\$ (2,575.04)	\$0.46	\$0.58	\$0.38
November	\$ 2,394.31	\$ 2,392.94	\$ 1,398.38	\$ (994.56)	\$0.92	\$1.37	\$0.92
December	\$ 2,434.19	\$ 1,049.37	\$ 2,611.88	\$ 1,562.51	\$1.96	\$1.29	\$1.47
TOTAL	\$ 246,727.17	\$ 230,475.10	\$ 219,237.38	\$ (11,237.72)	\$ 1.02	\$ 1.05	\$0.91

					2012	2013	2014
					PER	PER	PER
Mayan					CAP	CAP	CAP
Taste of Tropic	2012	2013	2014	(-)/(+)			
January	\$ 1,739.60	\$ 1,437.87	\$ 698.79	\$ (739.08)	\$1.18	\$1.44	\$1.58
February	\$ 2,909.96	\$ 1,376.70	\$ 934.03	\$ (442.67)	\$1.08	\$1.60	\$1.74
March	\$ 19,988.69	\$ 4,238.14	\$ 5,601.97	\$ 1,363.83	\$1.21	\$0.71	\$1.14
April	\$ 31,085.05	\$ 12,214.97	\$ 12,402.26	\$ 187.29	\$1.15	\$1.16	\$0.92
May	\$ 40,333.93	\$ 38,989.01	\$ 47,658.53	\$ 8,669.52	\$1.08	\$1.05	\$1.18
June	\$47,150.95	\$ 51,184.40	\$ 55,471.02	\$ 4,286.62	\$1.23	\$1.17	\$1.26
July	\$ 51,853.30	\$ 48,408.14	\$ 65,770.40	\$ 17,362.26	\$1.63	\$1.27	\$1.50
August	\$ 52,829.77	\$ 54,204.81	\$ 56,141.00	\$ 1,936.19	\$1.34	\$1.31	\$1.21
September	\$ 28,950.70	\$ 22,329.62	\$ 21,067.21	\$ (1,262.41)	\$1.62	\$1.24	\$1.28
October	\$ 16,577.99	\$ 17,184.31	\$ 20,106.38	\$ 2,922.07	\$0.64	\$0.87	\$0.86
November	\$ 2,776.76	\$ 2,288.80	\$ 1,510.15	\$ (778.65)	\$1.07	\$1.31	\$0.99
December	\$ 1,697.51	\$ 895.70	\$ 2,054.59	\$ 1,158.89	\$1.36	\$1.10	\$1.16
TOTAL	\$ 297,894.21	\$ 254,752.47	\$ 289,416.33	\$ 34,663.86	\$1.23	\$ 1.16	\$1.20

ZOO PASS							
MONTH	2012	2013	2014	(-)/(+)			
January	\$ 1,872.00	\$ 2,538.00	\$ 881.00	\$ (1,657.00)			
February	\$ 2,878.00	\$ 2,431.00	\$ 2,302.00	\$ (129.00)			
March	\$ 20,763.00	\$ 11,066.00	\$ 12,801.00	\$ 1,735.00			
April	\$ 20,150.00	\$ 19,401.00	\$ 21,763.00	\$ 2,362.00			
May	\$ 14,759.00	\$ 25,115.00	\$ 33,474.00	\$ 8,359.00			
June	\$ 16,591.00	\$ 20,309.00	\$ 26,236.00	\$ 5,927.00			
July	\$ 12,066.00	\$ 13,361.00	\$ 15,973.00	\$ 2,612.00			
August	\$ 10,579.00	\$ 8,702.00	\$ 11,142.00	\$ 2,440.00			
September	\$ 6,022.00	\$ 6,526.00	\$ 5,512.00	\$ (1,014.00)			
October	\$ 2,390.00	\$ 3,255.00	\$ 3,007.00	\$ (248.00)			
November	\$ 5,102.00	\$ 3,075.00	\$ 1,985.00	\$ (1,090.00)			
December	\$ 10,336.00	\$ 10,531.00	\$ 16,351.00	\$ 5,820.00			
TOTAL	\$ 123,508.00	\$ 126,310.00	\$ 151,427.00	\$ 25,117.00			

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Gift Shop, Mayan and Admissions Revenue Monthly Revenue December 2014

Day	Date	Gift Shop	Concessions	Zoo Admissions	Adventure	Vending	Zoo Pass	Education	Donations	Fun	Special Event	Attend.	Temp	Weather
mon	1	12.65	4.21	-	-	-	192.00	225.00	-	0.08	-	0	6	1
tues	2	-	1.85	43.00	-	4.74	1,698.00	-	-	-	-	7	24	1
wed	3	-	23.88	45.00	-	1.90	236.00	-	-	0.08	6,396.00	7	23	1
thur	4	21.08	45.67	21.00	-	12.32	448.00	-	-	-	-	10	25	2
fri	5	19.92	11.39	36.00	-	9.48	256.00	-	-	-	-	25	24	2
sat	6	83.17	-	276.00	-	22.75	256.00	75.00	-	-	-	87	24	2
sun	7	4.21	47.25	129.00	-	22.75	-	-	-	-	-	36	30	2
mon	8	20.92	21.22	-	-	-	1,635.00	-	-	-	-	5	16	2
tues	9	14.60	16.84	49.00	-	15.02	674.00	-	200.00	-	-	13	24	2
wed	10	-	24.21	33.00	-	24.09	1,432.00	-	-	-	-	26	28	2
thur	11	-	17.48	28.00	-	4.74	413.00	-	-	-	-	4	28	2
fri	12	398.25	82.53	731.00	-	70.79	310.00	-	-	-	-	174	33	1
sat	13	598.22	875.49	1,219.00	60.00	121.04	778.00	-	-	4.02	-	493	35	2
sun	14	50.59	15.11	161.00	-	34.92	64.00	-	-	0.08	-	69	41	2
mon	15	23.84	9.50	63.00	-	-	846.00	-	-	-	-	30	43	2
tues	16	33.01	11.16	19.00	-	1.90	1,978.00	-	-	-	-	6	29	4
wed	17	16.12	25.13	70.00	-	4.27	837.00	250.00	-	-	-	10	26	1
thur	18	-	29.22	14.00	-	-	128.00	-	-	-	-	6	21	1
fri	19	25.29	24.63	10.00	-	4.26	192.00	-	-	-	-	16	28	1
sat	20	91.86	29.39	136.00	-	22.75	212.00	-	-	-	-	48	25	1
sun	21	105.00	24.39	40.00	-	33.76	182.00	2.00	57.00	-	-	33	31	2
mon	22	148.94	45.35	114.00	-	18.95	497.00	-	-	-	-	34	35	3
tues	23	177.90	29.70	74.00	-	7.59	266.00	-	-	-	-	13	37	3
wed	24	84.38	89.64	120.00	-	42.66	187.00	-	-	-	-	34	36	2
thu	25	88.19	-	229.00	-	34.12	-	-	-	-	-	53	34	2
fri	26	223.58	195.76	999.00	-	131.13	846.00	-	-	2.65	-	256	33	1
sat	27	62.44	103.71	86.00	-	5.69	20.00	-	-	-	-	28	35	3
sun	28	99.76	102.64	198.00	-	39.81	64.00	-	-	0.41	-	71	23	1
mon	29	45.97	98.53	698.00	-	42.64	1,576.00	301.00	-	-	-	147	19	1
tues	30	79.70	30.20	54.00	-	12.32	-	76.00	-	-	-	13	7	1
wed	31	82.29	18.51	81.00	-	16.12	128.00	-	-	-	-	23	0	1
Total		\$ 2,611.88	\$ 2,054.59	\$ 5,776.00	\$ 60.00	\$ 762.51	\$ 16,351.00	\$ 929.00	\$ 257.00	\$ 7.32	\$ 6,396.00	1,777	27	

Weather Key 1 = Sunny 2 = Overcast 3 = Rain 3 = Rain 4 = Snow

Vending Consists: Stroller, Animal Feed, Giraffe, Pepsi, Carousel, Train, Penny Press, Hurricane Simulator, Footsie Wootsie, Telescop

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**Gift Shop, Mayan and Admissions Revenue
Monthly Revenue December 2014**

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Temp and weather avg